

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CONNECTU LLC,

Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and FACEBOOK,
INC.,

Defendants.

MARK ZUCKERBERG and
FACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

CIVIL ACTION NO. 1:04-cv-11923
(DPW)

District Judge Douglas P.
Woodlock

Magistrate Judge Robert B.
Collings

**MOTION FOR LEAVE TO FILE SURREPLY TO FACEBOOK DEFENDANTS'
AMENDED REPLY TO PLAINTIFF'S OPPOSITION TO FACEBOOK
DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Plaintiff ConnectU hereby moves for leave to file a surreply to Facebook Defendants' Amended Reply to Plaintiff's Opposition to Facebook Defendants' Motion to Dismiss Plaintiff's Complaint.

As grounds for this motion, a surreply brief is necessary to correct new issues and errors in Facebook Defendants' Amended Reply and to clarify the record for the Court. New issues raised in the Amended Reply are factual and legal errors made in Facebook Defendants' original Reply Brief and Amended Reply Brief regarding diversity jurisdiction and the citizenship of Mark Zuckerberg and other erroneous statements in Facebook Defendants' motion papers. On November 15, 2005 Plaintiff insisted that the Facebook Defendants immediately correct the factual errors identified in the attached surreply in the Court record and withdraw the portions of their motion based on such errors (namely, their argument that subject matter jurisdiction was lacking on September 2, 2004, when the original Complaint was filed), or that they consent to Plaintiff correcting the record immediately. The Facebook Defendants did not respond to Plaintiff's demand.

Plaintiff's surreply (Exhibit A) will clarify these issues and will assist the Court in ruling on Facebook Defendants' Motion to Dismiss Plaintiff's Complaint (Docket No. 94, filed October 14, 2005) The proposed Order granting this assented-to motion is attached as Exhibit B.

CERTIFICATION UNDER L.R. 7.1

Plaintiff's counsel hereby certifies under L.R. 7.1 that Troy Grabow, counsel for Plaintiff, conferred with Neel Chatterjee (counsel for the Facebook Defendants) but Facebook Defendants did not consent to this motion.

DATED: November 17, 2005

/s/ Troy E. Grabow
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